

**PROFESSIONAL LICENSURE DIVISION[645]**

**Notice of Intended Action**

**Proposing rule making related to disinterment and providing an opportunity for public comment**

The Board of Mortuary Science hereby proposes to amend Chapter 100, “Practice of Funeral Directors, Funeral Establishments, and Cremation Establishments,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code chapter 156 and section 147.76.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapters 144C, 147, 156 and 272C.

*Purpose and Summary*

The proposed amendment makes rule 645—100.9(144) consistent with rules of the Department of Public Health related to the purpose of issuing disinterment permits in accordance with Iowa Code section 144.34.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on March 5, 2019. Comments should be directed to:

Susan Reynolds  
Professional Licensure Division  
Department of Public Health  
Lucas State Office Building  
Des Moines, Iowa 50319  
Fax: 515.281.3121  
Email: [susan.reynolds@idph.iowa.gov](mailto:susan.reynolds@idph.iowa.gov)

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 5, 2019  
7:30 to 8 a.m.

Fifth Floor Board Conference Room 526  
Lucas State Office Building  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrule 100.9(6) as follows:

**100.9(6)** Disinterment permits shall be required for any relocation of a human remains or cremated remains from the original site of interment or entombment if the purpose is for autopsy or reburial.